

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHANDRA KISHOR,

Plaintiff,

No. CIV S-02-1632 FCD JFM P

vs.

DOCTOR GEAGHTY, et al.,

Defendants.

ORDER

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Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On June 6, 2005, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. Plaintiff has filed objections to the findings and recommendations and defendants have replied to plaintiff's objections.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the entire

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1 file, the court finds the findings and recommendations to be supported by the record and by
2 proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations filed June 6, 2005, are adopted in full;

5 2. Defendants' December 1, 2004 and December 2, 2004 motions to dismiss are
6 construed as motions to dismiss as a sanction pursuant to Federal Rule of Civil Procedure 41(b)
7 and, so construed, that said motions are granted; and

8 3. This action is dismissed with prejudice.

9 DATED: July 5, 2005

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11 /s/ Frank C. Damrell Jr.
12 FRANK C. DAMRELL JR.
13 United States District Judge
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